

Appln. No. 10/625,619  
Amendment dated March 21, 2005  
Reply to Office Action mailed December 20, 2004

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims (deleted text being struck through and added text being underlined):

1           1. (Currently Amended) A tool holding system for selectively  
2 retaining a tool by clamping a handle portion of the tool, the system  
3 comprising:

4           a mounting assembly for selectively coupling ~~said system~~ to a vertical  
5 surface of a structure;

6           a first jaw assembly operationally coupled to said mounting assembly,  
7 said first jaw assembly being adapted for abutting a first side of the ~~handle~~  
8 portion of the tool being retained; and

9           a second jaw assembly ~~pivotally coupled to said mounting assembly,~~  
10 ~~said second jaw assembly being adapted for~~ abutting a second side of the  
11 ~~handle portion~~ of the tool being retained, ~~the handle being to~~ selectively  
12 ~~retained~~ retain the portion between said first jaw assembly and said second  
13 jaw assembly, said second jaw assembly being pivotally coupled to said first  
14 jaw assembly for permitting said second jaw assembly to pivot toward said  
15 first jaw assembly in a retaining position and away from said first jaw  
16 assembly in a release position;

17           wherein said first jaw assembly has a first abutting surface and said  
18 second jaw assembly has a second abutting surface, said first abutting  
19 surface and said second abutting surface abutting the portion of the tool  
20 when said second jaw assembly is in the retaining position;

21           wherein a position of the second abutting surface on said second jaw  
22 assembly is adjustable between a plurality of positions in a manner such  
23 that an angle between said first abutting surface and said second abutting  
24 surface is uniform at each of said plurality of positions of said second  
25 abutting surface.

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2. (Currently Amended) The system of claim 1, wherein said mounting assembly further comprises:

a first mounting member having a first flange portion and a first horizontal support portion, said first flange portion being for abutting the vertical surface of the structure, said first horizontal support portion being coupled to said first flange portion, said first flange portion having a top surface defining a plane, said first horizontal support portion having a first surface defining a first ~~horizontal~~ vertical plane, said first horizontal portion being positioned such that said first ~~horizontal~~ vertical plane being substantially perpendicular to said plane formed by said top surface; and

a second mounting member having a second flange portion and a second horizontal support portion, said second flange portion being for abutting the vertical surface of the structure, said second horizontal support portion being coupled to said second flange portion, said second flange portion having a second top surface defining a second plane, said second horizontal support portion having a second surface defining a second ~~horizontal~~ vertical plane, said second horizontal portion being positioned such that said second ~~horizontal~~ vertical plane being substantially perpendicular to said second plane formed by said second top surface.

3. (Currently Amended) The system of claim 2, ~~further comprising:~~  
~~said first flange portion having an aperture extending therethrough,~~  
~~said aperture facilitating coupled said first flange portion to the surface of~~  
~~the structure; and said second flange portion having a second aperture~~  
~~extending therethrough, said second aperture facilitating coupling said~~  
~~second flange portion to the surface of the structure wherein said first jaw~~  
assembly includes a pair of first abutting surfaces, said pair of abutting  
surfaces converging toward each other in a substantially upward direction  
when said mounting assembly is mounted on the structure, and diverging  
away from each other in a substantially downward direction when said  
mounting assembly is mounted on the structure.

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1           4. (Original) The system of claim 2, further comprising:  
2           said first horizontal support portion having a proximal end and a distal  
3 end, said proximal end being adjacent to said first flange portion, said  
4 distal end being adjacent to said first jaw assembly, said first horizontal  
5 support portion having a taper extending from a medial portion towards said  
6 distal end, said distal end having a width less than a width associated with  
7 said medial portion, said taper permitting pivoting of said second jaw  
8 assembly with respect to said mounting assembly; and  
9           said second horizontal support portion having a proximal end and a  
10 distal end, said proximal end being adjacent to said second flange portion,  
11 said distal end being adjacent to said first jaw assembly, said second  
12 horizontal support portion having a taper extending from a medial portion  
13 towards said distal end, said distal end having a width less than a width  
14 associated with said medial portion, said taper permitting pivoting of said  
15 second jaw assembly with respect to said mounting assembly.

1           5. (Currently Amended) The system of claim 2, wherein said first  
2 horizontal support portion having a forward edge and a rearward edge, said  
3 forward edge being proximal to said first jaw assembly, said rearward edge  
4 being opposite said forward edge, said first horizontal support portion  
5 having a ~~top~~ bottom edge, said ~~top~~ bottom edge having a notch positioned  
6 therein adjacent to said forward edge, said notch having a vertical portion,  
7 said vertical portion being positioned in said first horizontal support  
8 portion at an angle ~~which said second jaw assembly strikes said vertical~~  
9 ~~portion when pivoted to a predetermined position whereby pivotal movement~~  
10 ~~of said second jaw assembly relative to said mounting assembly is limited.~~

1           6. (Currently Amended) The system of claim 2, further comprising:  
2           wherein said first horizontal support portion having a forward edge  
3 and a rearward edge, said forward edge being proximal to said first jaw  
4 assembly, said rearward edge being opposite said forward edge, said first

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5 horizontal support portion having a ~~top~~ bottom edge, said ~~top~~ bottom edge  
6 having a notch positioned therein adjacent to said forward edge, said notch  
7 having a vertical portion, said vertical portion being positioned in said first  
8 horizontal support portion at an angle ~~which said second jaw assembly~~  
9 ~~strikes said vertical portion when pivoted to a predetermined position~~  
10 ~~whereby pivotal movement of said second jaw assembly relative to said~~  
11 ~~mounting assembly is limited; and~~

12 wherein said second horizontal support portion having a second  
13 forward edge and a second rearward edge, said second forward edge being  
14 proximal to said first jaw assembly, said second rearward edge being  
15 opposite said second forward edge, said second horizontal support portion  
16 having a second ~~top~~ bottom edge, said second ~~top~~ bottom edge having a  
17 second notch positioned therein adjacent to said second forward edge, said  
18 second notch having a second vertical portion, said second vertical portion  
19 being positioned in said second horizontal support portion at an angle ~~which~~  
20 ~~said second jaw assembly strikes said second vertical portion when pivoted~~  
21 ~~to a predetermined position whereby pivotal movement of said second jaw~~  
22 ~~assembly relative to said mounting assembly is limited.~~

1 7. (Currently Amended) The system of claim 1, wherein said ~~first jaw~~  
2 ~~assembly further comprises a horizontal portion and a vertical portion, said~~  
3 ~~horizontal portion being operationally coupled to said mounting assembly,~~  
4 ~~said vertical portion being operationally coupled to said horizontal portion,~~  
5 ~~said horizontal and vertical portions being for abutting the handle to the~~  
6 ~~tool being retained an orientation of said second abutting surface at each of~~  
7 ~~said plurality of positions is parallel to other of said plurality of positions.~~

1 8. (Currently Amended) The system of claim [[[7]]] 1, wherein said  
2 mounting assembly has an angular notch ~~positioned therein for receiving~~  
3 ~~said horizontal portion and said vertical portion of said first jaw assembly,~~  
4 ~~said angular notch increasing to increase a surface area of contact between~~

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5 said mounting assembly and said first jaw assembly to strengthen a union of  
6 said mounting assembly and said first jaw assembly.

1 9. (Currently Amended) The system of claim [[[8]]] 3, wherein said  
2 ~~angular notch being positioned in said mounting assembly such that a first~~  
3 ~~portion of said angular notch has an axis oriented approximately fifteen~~  
4 ~~degrees from vertical, said angular notch having a second portion positioned~~  
5 ~~at a right angle to said first portion of said angular notch~~ said pair of  
6 abutting surfaces are oriented substantially perpendicular to each other.  
7

1 10. (Currently Amended) The system of claim 1, wherein ~~said second~~  
2 ~~jaw assembly further comprises:~~  
3 ~~a coupling portion pivotally couplable to said mounting assembly;~~  
4 ~~a lever portion coupled to said coupling portion, said lever portion~~  
5 ~~extending downwardly from said coupling portion, said lever portion~~  
6 ~~providing a clamping force for retaining the handle of the tool;~~  
7 ~~a width adjustment portion slidably coupled to said lever portion, said~~  
8 ~~width adjustment portion facilitating adjustment of said second jaw~~  
9 ~~assembly to accommodate a diameter of the handle of the tool being~~  
10 ~~retained; and~~  
11 ~~a retaining assembly for slideably coupling said width adjustment~~  
12 ~~portion to said lever portion~~  
13 said second jaw assembly includes a coupling portion and a width  
14 adjustment portion, said width adjustment portion being slidably mounted  
15 on said coupling portion to move said second abutting surface toward said  
16 first abutting surface of said first jaw assembly.

1 11. (Currently Amended) A tool holding system for selectively  
2 retaining a tool by clamping a handle of the tool, the system comprising:  
3 a mounting assembly for selectively coupling said system to a vertical  
4 surface of a structure;

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5 a first jaw assembly operationally coupled to said mounting assembly,  
6 said first jaw assembly being adapted for abutting a first side of the handle  
7 of the tool being retained;

8 a second jaw assembly pivotally coupled to said mounting assembly,  
9 said second jaw assembly being adapted for abutting a second side of the  
10 handle of the tool being retained, the handle being selectively retained  
11 between said first jaw assembly and said second jaw assembly;

12 wherein said mounting assembly further comprises:

13 a first mounting member having a first flange portion and a first  
14 horizontal support portion, said first flange portion being for abutting the  
15 vertical surface of the structure, said first horizontal support portion being  
16 coupled to said first flange portion, said first flange portion having a top  
17 surface defining a plane, said first horizontal support portion having a first  
18 surface defining a first ~~horizontal~~ vertical plane, said first horizontal  
19 portion being positioned such that said first ~~horizontal~~ vertical plane being  
20 substantially perpendicular to said plane formed by said top surface;

21 a second mounting member having a second flange portion and a  
22 second horizontal support portion, said second flange portion being for  
23 abutting the vertical surface of the structure, said second horizontal support  
24 portion being coupled to said second flange portion, said second flange  
25 portion having a second top surface defining a second plane, said second  
26 horizontal support portion having a second surface defining a second  
27 ~~horizontal~~ vertical plane, said second horizontal portion being positioned  
28 such that said second ~~horizontal~~ vertical plane being substantially  
29 perpendicular to said second plane formed by said second top surface;

30 said first flange portion having an aperture extending therethrough,  
31 said aperture facilitating ~~coupled~~ coupling of said first flange portion to the  
32 surface of the structure;

33 said second flange portion having a second aperture extending  
34 therethrough, said second aperture facilitating coupling said second flange  
35 portion to the surface of the structure;

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36        said first horizontal support portion having a proximal end and a distal  
37 end, said proximal end being adjacent to said first flange portion, said  
38 distal end being adjacent to said first jaw assembly, said first horizontal  
39 support portion having a taper extending from a medial portion towards said  
40 distal end, said distal end having a width less than a width associated with  
41 said medial portion, said taper permitting pivoting of said second jaw  
42 assembly with respect to said mounting assembly;

43        said second horizontal support portion having a proximal end and a  
44 distal end, said proximal end being adjacent to said second flange portion,  
45 said distal end being adjacent to said first jaw assembly, said second  
46 horizontal support portion having a taper extending from a medial portion  
47 towards said distal end, said distal end having a width less than a width  
48 associated with said medial portion, said taper permitting pivoting of said  
49 second jaw assembly with respect to said mounting assembly;

50        wherein said first jaw assembly further comprises a horizontal portion  
51 and a vertical portion, said horizontal portion being operationally coupled  
52 to said mounting assembly, said vertical portion being operationally coupled  
53 to said horizontal portion, said horizontal and vertical portions being for  
54 abutting the handle to the tool being retained;

55        wherein said second jaw assembly further comprises:

56        a coupling portion pivotally couplable to said mounting assembly;

57        a lever portion coupled to said coupling portion, said lever portion

58                extending downwardly from said coupling portion, said lever

59                portion providing a clamping force for retaining the handle of

60                the tool;

61        a width adjustment portion slidably coupled to said lever portion, said  
62 width adjustment portion facilitating adjustment of said second jaw  
63 assembly to accommodate a diameter of the handle of the tool being  
64 retained; and

65        a retaining assembly for slideably coupling said width adjustment  
66                portion to said lever portion.

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1           12. (Original) The system of claim 11, wherein said coupling portion  
2 further comprises:

3           a horizontal member extending between said first support portion and  
4 said second support portion;

5           a first tab portion extending rearwardly from said horizontal member  
6 adjacent to said first support portion, said first tab portion facilitating  
7 pivotal coupling of said second jaw assembly to said mounting assembly;  
8 and

9           a second tab portion extending rearwardly from said horizontal  
10 member adjacent to said second support portion, said second tab portion  
11 facilitating pivotal coupling of said second jaw assembly to said mounting  
12 assembly.

1           13. (Original) The system of claim 12, further comprising:

2           a first coupling hole extending through said first support portion;

3           a second coupling hole extending through said first tab portion, said  
4 second coupling hole being aligned with said first coupling hole;

5           a coupling means positioned through said first coupling hole and said  
6 second coupling hole, said coupling means permitting pivotal movement of  
7 said second jaw assembly with respect to said mounting assembly;

8           a third coupling hole extending through said second support portion;

9           a fourth coupling hole extending through said second tab portion, said  
10 fourth coupling hole being aligned with said third coupling hole;

11           a second coupling means positioned through said third coupling hole  
12 and said fourth coupling hole, said second coupling means permitting  
13 pivotal movement of said second jaw assembly with respect to said  
14 mounting assembly.

1           14. (Currently Amended) The system of claim 13, wherein said first

2 coupling means and said second coupling means further comprise a single



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3 bolt extending through said first, second, third and fourth coupling holes,  
4 said bolt being secured with an associated nut.

1 15. (Currently Amended) The system of claim 13, wherein said first  
2 coupling means and said second coupling means further comprises a single  
3 pin extending through said first, second, third, and fourth coupling holes,  
4 said pin being secured with a cotter pin.

1 16. (Currently Amended) The system of claim 13, wherein said first  
2 coupling means and said second coupling means further comprises a single  
3 pin extending through said first, second, third, and fourth coupling holes,  
4 said pin being secured with a grip ring.

1 17. (Original) The system of claim 13, wherein said second hole being  
2 offset from a center of said first tab portion and said fourth hole being  
3 offset from a center of said second tab portion.

1 18. (Original) The system of claim 13, further comprising at least one  
2 biasing member coupled between said second jaw assembly and said  
3 mounting assembly, said biasing member urging said second jaw member  
4 towards a closed portion whereby the handle of the tool is retained.

1 19. (Original) The system of claim 13, further comprising a pair of  
2 biasing members, each one of said biasing members being operationally  
3 coupled between said second jaw assembly and said mounting assembly,  
4 each one of said pair of biasing members urging said second jaw member  
5 towards a closed portion whereby the handle of the tool is retained.

1 20. (Original) The system of claim 13, further comprising a first,  
2 second and third biasing member, each one of said first, second, and third  
3 biasing members being operationally coupled between said second jaw  
4 assembly and said mounting assembly, each one of said first, second, and

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5 third biasing members urging said second jaw member towards a closed  
6 portion whereby the handle of the tool is retained.

1 21. (Original) The system of claim 20, further comprising:  
2 said first biasing member being a spring having seven coils, said first  
3 biasing member being adjacent to said first horizontal support portion;  
4 said second biasing member being a spring having seven coils, said  
5 second biasing member being adjacent to said second horizontal support  
6 portion; and  
7 said third biasing member being a spring having five coils, said third  
8 biasing member being positioned between said first biasing member and said  
9 second biasing member.

1 22. (Original) The system of claim 11, further comprising:  
2 wherein said coupling portion further comprises:  
3 a horizontal member extending between said first support portion and  
4 said second support portion;  
5 a first tab portion extending rearwardly from said horizontal member  
6 adjacent to said first support portion, said first tab portion  
7 facilitating pivotal coupling of said second jaw assembly to said  
8 mounting assembly;  
9 a second tab portion extending rearwardly from said horizontal  
10 member adjacent to said second support portion, said second tab  
11 portion facilitating pivotal coupling of said second jaw assembly  
12 to said mounting assembly;  
13 a first coupling hole extending through said first support portion;  
14 a second coupling hole extending through said first tab portion, said  
15 second coupling hole being aligned with said first coupling hole;  
16 a third coupling hole extending through said second support portion;  
17 a fourth coupling hole extending through said second tab portion, said  
18 fourth coupling hole being aligned with said third coupling hole;

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19 a single bolt extending through said first, second, third and fourth  
20 coupling holes, said bolt being secured with an associated nut; and  
21 a pair of biasing members, each one of said biasing members being  
22 operationally coupled between said second jaw assembly and said mounting  
23 assembly, each one of said pair of biasing members urging said second jaw  
24 member towards a closed portion whereby the handle of the tool is retained.

1 23. (Original) The system of claim 22, wherein each one of said first  
2 and second tab portions further comprise a tapered edge extending along  
3 said first jaw assembly said tapered edge abutting said first jaw assembly  
4 when said second jaw assembly is pivoted to a maximum open portion, said  
5 tapered edge being a stop for said second jaw assembly.

1 24. (Original) The system of claim 11, wherein said lever portion  
2 further comprises:

3 a first extent coupled to said coupling portion, said first extent  
4 extending downwardly from said coupling portion, said first extent defining  
5 a maximum width between said first jaw assembly and said second jaw  
6 assembly;

7 a second extent having an angular relationship to said first extent,  
8 said second extent being coupled to said first extent; and

9 a third extent extending downwardly from said second extent, said  
10 third extent abutting the surface of the structure when said second jaw  
11 assembly is in a closed portion, said third extent providing a handle to be  
12 grasped by the user to facilitate removal of the tool being retained from the  
13 system.

1 25. (Original) The system of claim 24, wherein said first extent tapers  
2 inwardly as it extends away from said coupling portion towards said second  
3 extent, said first extent having a first width adjacent to said coupling  
4 portion, said first extent having a second width adjacent to said second  
5 extent, said first width being greater than said second width.

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1           26. (Currently Amended) The system of claim 24, wherein said  
2 ~~retaining assembly width adjustment portion~~ further comprises:

3           a first retaining extent being substantially parallel to said second  
4 extent of said lever portion; and

5           a second retaining extent being substantially parallel to said third  
6 extent of said lever portion, said second retaining extent being slidable  
7 along said third extent whereby a width of said second jaw assembly is  
8 adjustable.

1           27. (Original) The system of claim 26, further comprising:

2           a lever aperture extending through said third extent of said lever  
3 portion;

4           a slot extending along a longitudinal axis of said second retaining  
5 extent;

6           a retaining member extending through said slot and said lever  
7 aperture; and

8           a tensioning member couplable to said retaining member for  
9 selectively securing said width adjustment portion to said lever portion.

1           28. (Original) The system of claim 11, further comprising:

2           wherein said lever portion further comprises:

3           a first extent coupled to said coupling portion, said first extent  
4 extending downwardly from said coupling portion, said first  
5 extent defining a maximum width between said first jaw  
6 assembly and said second jaw assembly;

7           a second extent having an angular relationship to said first extent,  
8 said second extent being coupled to said first extent;

9           a third extent extending downwardly from said second extent, said  
10 third extent abutting the surface of the structure when said  
11 second jaw assembly is in a closed portion, said third extent

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12 providing a handle to be grasped by the user to facilitate  
13 removal of the tool being retained from the system;  
14 wherein said width adjustment portion further comprises:  
15 a first retaining extent being substantially parallel to said second  
16 extent of said lever portion;  
17 a second retaining extent being substantially parallel to said third  
18 extent of said lever portion, said second retaining extent being  
19 slidable along said third extent whereby a width of said second  
20 jaw assembly is adjustable;  
21 a lever aperture extending through said third extent of said lever  
22 portion;  
23 a slot extending along a longitudinal axis of said second retaining  
24 extent;  
25 a retaining member extending through said slot and said lever  
26 aperture; and  
27 a tensioning member couplable to said retaining member for  
28 selectively securing said width adjustment portion to said lever portion.

1 29. (Original) The system of claim 11, further comprising:  
2 wherein said coupling portion further comprises:  
3 a horizontal member extending between said first support portion and  
4 said second support portion;  
5 a first tab portion extending rearwardly from said horizontal member  
6 adjacent to said first support portion, said first tab portion  
7 facilitating pivotal coupling of said second jaw assembly to said  
8 mounting assembly;  
9 a second tab portion extending rearwardly from said horizontal  
10 member adjacent to said second support portion, said second tab  
11 portion facilitating pivotal coupling of said second jaw assembly  
12 to said mounting assembly;  
13 a first coupling hole extending through said first support portion;

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14 a second coupling hole extending through said first tab portion, said  
15 second coupling hole being aligned with said first coupling hole;  
16 a third coupling hole extending through said second support portion;  
17 a fourth coupling hole extending through said second tab portion, said  
18 fourth coupling hole being aligned with said third coupling hole;  
19 a single bolt extending through said first, second, third and fourth  
20 coupling holes, said bolt being secured with an associated nut;  
21 a pair of biasing members, each one of said biasing members being  
22 operationally coupled between said second jaw assembly and said mounting  
23 assembly, each one of said pair of biasing members urging said second jaw  
24 member towards a closed portion whereby the handle of the tool is retained;  
25 wherein each one of said first and second tab portions further  
26 comprise a tapered edge extending along said first jaw assembly said  
27 tapered edge abutting said first jaw assembly when said second jaw  
28 assembly is pivoted to a maximum open portion, said tapered edge being a  
29 stop for said second jaw assembly;  
30 wherein said lever portion further comprises:  
31 a first extent coupled to said coupling portion, said first extent  
32 extending downwardly from said coupling portion, said first  
33 extent defining a maximum width between said first jaw  
34 assembly and said retaining member of said second jaw  
35 assembly;  
36 a second extent having an angular relationship to said first extent,  
37 said second extent being coupled to said first extent;  
38 a third extent extending downwardly from said second extent, said  
39 third extent abutting the surface of the structure when said second jaw  
40 assembly is in a closed portion, said third extent providing a handle to be  
41 grasped by the user to facilitate removal of the tool being retained from the  
42 system;  
43 wherein said width adjustment portion further comprises:

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44 a first retaining extent being substantially parallel to said second  
45 extent of said lever portion;  
46 a second retaining extent being substantially parallel to said third  
47 extent of said lever portion, said second retaining extent being  
48 slidable along said third extent whereby a width of said second  
49 jaw assembly is adjustable;  
50 a lever aperture extending through said third extent of said lever  
51 portion;  
52 a slot extending along a longitudinal axis of said second retaining  
53 extent;  
54 a retaining member extending through said slot and said lever  
55 aperture; and  
56 a tensioning member couplable to said retaining member for  
57 selectively securing said width adjustment portion to said lever portion.

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